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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,502	08/01/2005	Thomas Dörner	54651/DBP/M521	4395

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EXAMINER
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CROWE, DAVID R

ART UNIT	PAPER NUMBER
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2885

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06/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/528,502	<b>Applicant(s)</b> DORNER, THOMAS	
	<b>Examiner</b> David R. Crowe	<b>Art Unit</b> 2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The amendment filed April 23, 2007 has been entered.

#### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: Amended claim 1 recites "and comprising" in line 5. This renders the claim indefinite since the lower housing and upper housing are now claimed as being in addition to the spotlight housing and not making up the spotlight housing as disclosed. "And" should be removed. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The statement that the second section of the ribs is horizontal is indefinite for failing to provide a point of reference from which portion to determine if the rib is horizontal.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2885

A person shall be entitled to a patent unless –

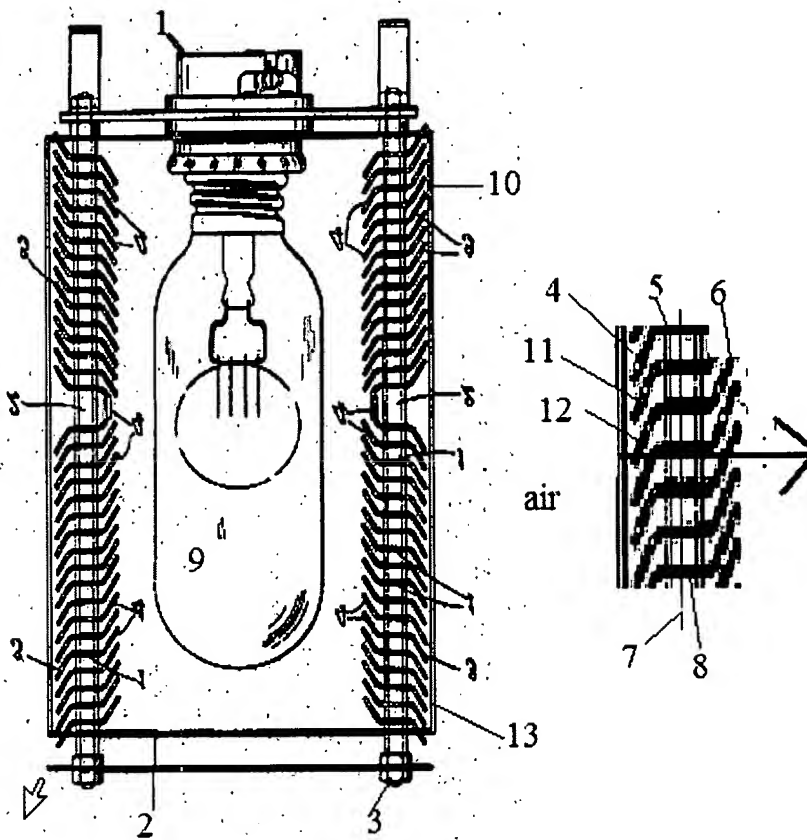
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 3-10 are rejected under 35 U.S.C. 102(b) as being anticipated by McCormack (US 1,758,290).

Re claims 1 and 16: McCormack discloses (see below) a spotlight for cinema with a light source [9]; a spotlight housing surrounding the light source with lower part [2] comprising at least one side wall [3], and an upper part [top half], including a transparent cover [inherent to receiving light from the source]; and a ventilation shaft [10] mounted on at least one side wall [3] wherein the shaft comprises: an air inlet aperture [plane of shaft 10], an air outlet aperture defined along a plane [7] and a plurality of ribs [12] defining a plurality of ventilation ducts [11] there between, wherein each rib comprises a first rib section [4] extending to the air inlet aperture, a second rib section [5] extending to the air outlet aperture and bent relative to first section [4]. The ribs further comprising air guide sections [8] extending from the air outlet aperture and projecting beyond the air output aperture. The bottom rib is the first rib and a second rib is defined as the rib above the first rib [to provide definition in the claim not patentable structure] where the first rib has an air guide section [8] that projects entirely perpendicular from the plane of the air outlet aperture and the second rib has an air guide section [8] that projects entirely at an angle relative to the plane of the air outlet aperture in a direction away from the plane. [The claim fails to provide sufficient limitation to the location of the inlet and outlet. Therefore under the broadest reasonable interpretation of the examiner, the inlet is defined as at the bend of rib

Art Unit: 2885

portions 4 and 5, therefore allowing the first portion 4 to extend to i.e. approach the inlet. The outlet aperture plane is then defined as the plane perpendicular to the second section 5 and dividing second section 5 from guide section 8 therefore allowing the second section to "extend to" or approach the outlet aperture. Guide portions 8 are then perpendicular to the outlet plane. Guide portions 8 are similarly at an angle of 90 degrees to the plane of the air outlet aperture. Lastly the guide portion 8 is interpreted as entirely perpendicular and entirely at an angle because the upturned portion 6 shown in the figure below can be viewed as its own item entirely in addition to the claimed features as allowed by the inclusive claim language.]



Re claim 3: McCormack discloses each second rib section [5] being horizontal.

Re claim 4: McCormack discloses the ventilation shaft as inserted into the sidewall because the sidewall comprises the ventilation shaft.

Re Claim 5: McCormack discloses the inlet to the ventilation shaft at the leading edge of the first rib section [4] flush with housing body [13]. [The inlet aperture can be interpreted as the leading edge without disrupting the interpretation of claim 1 since "extending to" is shown not to mean "ending at", but can also be "being from" as long as a side of the first rib section is adjacent to the inlet aperture.]

Re claim 6: McCormack discloses ribs with a light absorbing shaping [column 1, line 28]. Light absorbing shaping is read to mean having a shape that will not allow for light to pass through.

Re claim 7: McCormack discloses air circulating through the entire lamp with no whirls [column 1, line 10]. Each duct is read to create a "different region" as the claim does not require multiple vents.

Re claim 8: McCormack shows the ribs at constant intervals.

Re claim 9: McCormack discloses ventilation on both the left and right side of the housing as shown in the figure.

Re claim 10: Rotating the light unit of McCormack 90 degrees would anticipate the situation where the two sidewalls become the front wall and back wall.

Re claims 13 and 17: As discussed in claim 1 above, the second sections [5] extend perpendicularly relative to the plane of the air outlet aperture.

Re claims 15 and 19: McCormack discloses all of the limitations of claim 15 as shown in the above rejections of claims 1 and 13 since McCormack shows the light source being vented from both sides and therefore having a second of each claimed item.

Note: The mere duplication of working parts has been found to be within the ordinary skill of a worker in the art and cannot be used to distinguish an invention over the prior art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCormack in view of Rose (US 2287328). The teachings of McCormack have been discussed above.

McCormack teaches all limitations of claim 1 as described above.

McCormack fails to teach a ventilation shaft on the bottom of the lamp housing.

Rose teaches a ventilation shaft [40] on the bottom of the lamp housing. Rose further teaches said bottom ventilation shaft [40] having an outlet [41] adjacent to the light source socket [82]. [Column 2]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a flush ventilation shaft of Rose with the rib shape of McCormack to the bottom the lamp housing of McCormack in order to further increase the area of cool air intake.

9. Claims 2, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCormack. The teachings of McCormack have been discussed above.

Re claim 2: Although McCormack fails to teach the angle of the guide portions changing relative to the distance from the base, where the guide portions are defined as section [8] alone in the figure above, it would have been obvious to one having ordinary skill in the art of cooling ventilation to adjust the guide portions to direct the cool air onto the light source as necessitated by the lamp structure. It would have been obvious that varying the angles could distribute the cooling area over a larger area of heated surface and therefore improve cooling efficiency.

Re claims 14 and 18: Although McCormack fails to teach the second rib portions [5] extending away from the base because they are parallel with the base in the figures provided, it would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the ribs to maximize air flow while maintaining blockage of light. The claimed configuration lacks criticality required to make the feature patentable over the prior art as the applicant has given a variety of shaft and duct configurations with appear in the specification to be designed specifically based on their location relative to the light source and therefore the housing. However the claims



fail to distinguish the side vents from the front and rear vent in combination with either unique rib structure.

### ***Response to Arguments***

10. Applicant's arguments filed April 23, 2007 have been fully considered but they are not persuasive.

The applicant argues that the ribs of McCormack do not extend entirely either perpendicularly or at an angle relative to the outlet aperture plane and instead have a portion that extends relatively perpendicularly and a portion that extends at an angle.

However, the examiner interprets McCormack's perpendicular portion alone is sufficient to read as an air guide and therefore that portion is entirely perpendicular. The portion that extends at an angle referred to by the applicant can be reasonably be interpreted as its own separate portion which is in addition to the claimed portions. The claim language/open transitional phrase, "comprising" is inclusive and therefore allows for additional portions not included in the claim. The limitation "perpendicularly" in claim 1, line 19 is defined to form a right angle, 90 degrees. Therefore, the perpendicular air guide is "at an angle," of 90 degrees, relative to the outlet aperture plane.

### ***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2885

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. Crowe whose telephone number is 571-272-9088. The examiner can normally be reached on 7:30AM-5:00PM w/first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/528,502  
Art Unit: 2885

Page 10

David R Crowe  
Examiner  
Art Unit 2885

DRC

A handwritten signature in black ink, appearing to read 'Jong-Suk Lee' in a cursive style.

**JONG-SUK (JAMES) LEE**  
**SUPERVISORY PATENT EXAMINER**